

Hearing Date: July 22, 2010 at 10:00 a.m. ET
Objection Deadline: June 7, 2010 at 4:00 p.m. ET

SCOTT A. WOLFSON (*Pro Hac Vice* pending)
ANTHONY J. KOCHIS (*Pro Hac Vice* pending)
WOLFSON BOLTON PLLC
3150 Livernois Rd., Suite 275
Troy, MI 48083
Telephone: (248) 247-7103
Facsimile: (248) 247-7099
E-Mail: swolfson@wolfsonbolton.com

Attorneys for Ex-Cell-O Machine Tools, Inc.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

DELPHI CORPORATION, *et al.*,

Debtor.

Chapter 11
Case No. 05-44481-RDD
Jointly Administered

DELPHI CORPORATION, *et al.*,

Plaintiffs,

Adversary Proceeding No. 07-02337

v.

EX CELL O MACHINE TOOLS INC.,

Defendant.

**AMENDED NOTICE OF MOTION BY EX-CELL-O MACHINE TOOLS, INC.
SEEKING AN ORDER (I) PURSUANT TO FED. R. CIV. P. 60 AND FED. R. BANKR. P.
9024 VACATING PRIOR ORDERS ESTABLISHING PROCEDURES FOR
CERTAIN ADVERSARY PROCEEDINGS, INCLUDING THOSE COMMENCED
BY THE DEBTORS UNDER 11 U.S.C. §§ 541, 544, 545, 547, 548, OR 549, AND
EXTENDING THE TIME TO SERVE PROCESS FOR SUCH ADVERSARY
PROCEEDINGS; (II) PURSUANT TO FED. R. CIV. P. 12(b) AND FED. R. BANKR.
P. 7012 DISMISSING THIS ADVERSARY PROCEEDING WITH PREJUDICE;
(III) IN THE ALTERNATIVE, DISMISSING THIS ADVERSARY PROCEEDING
ON THE GROUND OF JUDICIAL ESTOPPEL; (IV) IN THE ALTERNATIVE,
DISMISSING THIS ADVERSARY PROCEEDING ON THE GROUND OF RES
JUDICATA; AND (V) IN THE ALTERNATIVE, DISMISSING THIS ADVERSARY
PROCEEDING ON THE GROUNDS THAT IT FAILS TO PLEAD FACTS
SUFFICIENT TO STATE A CLAIM FOR RELIEF**

PLEASE TAKE NOTICE that upon the accompanying motion and all other pleadings and proceedings herein, Ex-Cell-O Machine Tools, Inc. ("Ex-Cell-O"), by its undersigned counsel, Wolfson Bolton PLLC, moves this Court before the Honorable Robert D. Drain, United States Bankruptcy Judge, United States Bankruptcy Court, 300 Quarropas Street, White Plains, New York 10601, on July 22, 2010 at 10:00 a.m. or such other date and time as soon thereafter as the Court may direct, for an Order (i) pursuant to Fed. R. Civ. P. 60 and Fed. R. Bankr. P. 9024 vacating prior orders establishing procedures for certain adversary proceedings, including those commenced by the Debtors under 11 U.S.C. §§ 541, 544, 545, 547, 548, or 549, and extending the time to serve process for such adversary proceedings; (ii) pursuant to Fed. R. Civ. P. 12(b) and Fed. R. Bankr. P. 7012 dismissing this adversary proceeding with prejudice; (iii) in the alternative, dismissing this adversary proceeding on the ground of judicial estoppel; (iv) in the alternative, dismissing this adversary proceeding on the ground of res judicata; and (v) in the alternative, dismissing this adversary proceeding on the grounds that it fails to plead facts sufficient to state a claim for relief; and (vi) for such other and further relief as the Court deems appropriate.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, in opposition to the relief requested must be filed with the Court and served upon the undersigned counsel for Ex-Cell-O no later than June 7, 2010 at 4:00 p.m. ET ("Objection Deadline").

PLEASE TAKE FURTHER NOTICE that responses or objections, if any, to the Motion and the relief requested therein must be made in writing, conform to the Bankruptcy Rules and the Local Bankruptcy Rules for the Bankruptcy Court, and be filed with the Bankruptcy Court electronically in accordance with General Order M-242 (General Order M-242 and the User's Manual for the Electronic Case Filing System which can be found at

www.nysb.uscourts.gov, the official website for the Bankruptcy Court), by registered users of the Bankruptcy Court's case filing system and, by all other parties in interest, on 1 3.5 inch disk, preferably in Portable Document Format (PDF), WordPerfect or any other Windows-based word processing format and must be served in accordance with General Order M-242, with a courtesy copy delivered to the Chambers of the Honorable Robert D. Drain, United States Bankruptcy Judge, and served on Wolfson Bolton PLLC, 3150 Livernois, Suite 275 Troy, MI 48082, in accordance with General Order M-182, so as to be received no later than the Objection Deadline.

Respectfully submitted,

WOLFSON BOLTON PLLC
Attorneys for Ex-Cell-O

Dated: May 18, 2010

By: /s/ Anthony J. Kochis
Scott A. Wolfson (P53194)
Anthony J. Kochis (P72020)
3150 Livernois, Suite 275
Troy, MI 48083
Telephone: (248) 247-7105
Facsimile: (248) 247-7099
E-Mail: akochis@wolfsonbolton.com